

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

True the Vote, Jane Coln, Brandie §  
Correro, Chad Higdon, Jennifer Higdon, §  
Gene Hopkins, Frederick Lee Jenkins, §  
Mary Jenkins, Tavish Kelly, Donna §  
Knezevich, Joseph Knezevich, Doris Lee, §  
Lauren Lynch, Norma Mackey, Roy §  
Nicholson, Mark Patrick, Julie Patrick, §  
Paul Patrick, David Philley, Grant §  
Sowell, Sybil Tribble, Laura §  
VanOverschelde, and Elaine Vechorik §

Plaintiffs,

v.

The Honorable Delbert Hosemann, in his §  
official capacity as Secretary of State for §  
the State of Mississippi, The Republican §  
Party of Mississippi, Copiah County, §  
Mississippi Election Commission, Hinds §  
County, Mississippi Election §  
Commission, Jefferson Davis County, §  
Mississippi Election Commission, §  
Lauderdale County, Mississippi Election §  
Commission, Leake County, Mississippi §  
Election Commission, Madison County, §  
Mississippi Election Commission, Rankin §  
County, Mississippi Election §  
Commission, Simpson County, §  
Mississippi Election Commission, and §  
Yazoo County, Mississippi Election §  
Commission

Defendants.

Cause No. 3:14-cv-00532-NFA

**PLAINTIFFS' TRUE THE VOTE, ET.AL.'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

TO THE HONORABLE DISTRICT COURT:

Plaintiffs True the Vote, et. al. respectfully move for summary judgment pursuant to  
Fed. R. Civ. P. 56(a) on their claims under the Public Disclosure Provision of the National Voter

Registration Act (“NVRA”), 42 U.S.C. § 1973gg *et seq.* Specifically, Plaintiffs requested and were denied access to complete voter rolls, voter pollbooks, absentee ballot applications and envelopes and federal post card (collectively the “Requested Records”) immediately prior to and following the 2014 Mississippi Republican Primary Run-Off Election.

Whether the Requested Records must be produced under the NVRA is a question of law on which no material facts are in dispute. The NVRA’s Public Disclosure Provision requires that the Requested Records be made available to the public for inspection and, where available, photocopying, because they are “records concerning the implementation of programs or activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 42 U.S.C. § 1973gg-6(i). Defendants have unlawfully denied Plaintiffs access to these records in violation of the NVRA, relying on Mississippi state law. However, state law must yield to federal enactments when the laws conflict.

Plaintiffs submit the attached Memorandum in Support of their Motion for Summary Judgment detailing the grounds supporting summary judgment along with the following exhibits:

EXHIBIT 1	Excerpts from July 24, 2014 Evidentiary Hearing
EXHIBIT 2	Declaration of Catherine Engelbrecht
EXHIBIT 3	Declaration of Julia Hoenig and Incident Reports
EXHIBIT 4	Declaration of Mike Rowley and Incident Reports
EXHIBIT 5	Declaration of Jeanne Webb and Incident Reports
EXHIBIT 6	Declarations of John Hobson and Karen Hobson and Incident Reports
EXHIBIT 7	Declaration of Sandy Steinbacher and Incident Reports
EXHIBIT 8	July 8, 2014 Letter from Madison County Circuit Clerk
EXHIBIT 9	Declaration of Roberta Swank and Incident Reports

EXHIBIT 10	Declaration of Melinda Kinley and Incident Reports
EXHIBIT 11	Declaration of Ruth Wall and Incident Reports
EXHIBIT 12	Declaration of Susan Morse and Incident Reports
EXHIBIT 13	Declaration of Roy Nicholson
EXHIBIT 14	Declaration and Affidavit of Phil Harding
EXHIBIT 15	July 26, 2014 E-Mail Correspondence from Amanda Frusha
EXHIBIT 16	Press Release from The Honorable Delbert Hosemann
EXHIBIT 17	Attorney General Opinion No. 94-0699 dated November 2, 1994
EXHIBIT 18	E-Mail Correspondence from Kimberley Turner
EXHIBIT 19	Administrative Regulations of Secretary of State
EXHIBIT 20	Example VR-28 Report for June 3 Primary
EXHIBIT 21	Example VR-28 Report for June 24 Primary
EXHIBIT 22	Example pollbook from Jefferson Davis County
EXHIBIT 23	Example pollbook from Jefferson Davis County

Based on the uncontroverted evidence cited herein and under the plain meaning of the NVRA, Plaintiffs' motion for summary judgment should be granted.

Dated: August 6, 2014

Respectfully Submitted,

L. Eades Hogue

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***Counsel for Plaintiffs***

**CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2014 a copy of the forgoing, Plaintiffs Memorandum in Support of the Summary Judgment and its exhibits were served on The Honorable Delbert Hosemann, The Republican Party of Mississippi; The Copiah County Mississippi Election Commission; the Hinds County, Mississippi Election Commission; the Jefferson Davis County, Mississippi Election Commission; the Lauderdale County, Mississippi Election Commission, the Leake County Mississippi Election Commission; the Madison County, Mississippi Election Commission and the Rankin County Mississippi Election Commission; via the Court's ECF e-file service. Plaintiffs have served the remaining Defendants, who have not yet registered to the Court's ECF system for this matter, via United States Postal Service, in accordance with Federal Rules of Civil Procedure.

/s/ L. Eades Hogue